

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JULIA SMITH,

No. C 16-04101 WHA

Plaintiff,

v.

CONSTELLATION BRANDS, INC., and  
DOES 1 through 50, inclusive,

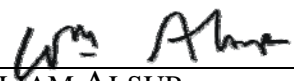
**ORDER GRANTING LEAVE  
TO FILE FIRST AMENDED  
COMPLAINT**

Defendant.

Plaintiff seeks leave to file a first amended complaint after her initial complaint was dismissed (Dkt. No. 20). Defendant stated it does not oppose this motion, though it reserved its right to challenge the sufficiency of the complaint under Rule 12 (among other challenges to the merits of the case) (Dkt. No. 23). Although the Court had intended for defendant to respond to plaintiff's motion seeking leave to file the proposed amended complaint by raising any issues that might otherwise be raised in a Rule 12 motion (*i.e.*, contending the proposed amendment would be futile), this order **GRANTS** plaintiff's motion and will allow defendant to bring a Rule 12 motion. Plaintiff shall promptly file her first amended complaint, and defendant shall answer or otherwise respond no later than **FOURTEEN DAYS** after the complaint is filed. No extensions of that deadline will be granted, inasmuch as defendant has been on notice of the contents of the first amended complaint for several weeks.

**IT IS SO ORDERED.**

Dated: November 8, 2016.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE